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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/621,289 | 07/17/2003 | Richard W. Ragan JR. | RSW920030060US1 | 2496 |

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| EXAMINER |
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THERIAULT, STEVEN B

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| ART UNIT | PAPER NUMBER |
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2179

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06/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|---------------------|--------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/621,289 | RAGAN ET AL. | |
| | Examiner | Art Unit | |
| | Steven B. Theriault | 2179 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the following communications: Amendment filed 02/26/2007

This action is made final.

2. Claims 1 -25 are pending in the case. Claims 1, 11, 14, and 20 are the independent claims. The applicant is advised that a new examiner has been assigned to the case.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1 – 4, 6- 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimball et al. (hereinafter Kimball) Publication No. 2004/0034646, in view of Sommerer et al. (hereinafter Sommerer) U.S. Patent Publication 20040003351 issued Jan. 1, 2004 and filed June 28, 2002.

In regard to **Independent claim 1**, Kimball et al. teaches a method of customizing a user interface (see Para. [0053], lines 1 – 3), the method comprising:

- Identifying a user of the user interface (see Para. 0035) Kimball teaches the graphical user interface (GUI) includes a control for identifying a user's grouping from a set of different groupings.
- Displaying an object within the user interface (see Fig. 11 and Para. [0066]; the object corresponds to contents 1120a – 1120d within "Favorites Places", which is displayed on the user interface for selection); Kimball also teaches that other objects can be managed including interface controls, applications and content (See Para 0036, 0039 and 0040).
- Displaying a plurality of shortcuts for the object (see Fig. 5B and Para. [0043]; the shortcut corresponds to the "Favorites" menu 118g and "Shortcuts" menu 124g for displaying a list of choices to the user) based on the user (see Para. [0043]; the shortcut and its content is directed towards a users interest, such as content frequently accessed by an adult or child) and a history of object operations performed by the user. Kimball teaches that the interface controls can be located in a toolbar such as a button, pull down controls with shortcuts, a picture, menus, etc (See Para 0046).

Kimball does not expressly teach:

- The history of object operations performed by the user to manage the object

Kimball does teach master user profile and the use of a specific user Id, which creates a mechanism for a specific user to control the customization of the interface (See Para 005 and Figure 6, Top). However, Kimball does not teach tracking the user history of managing the object. In the same problem solving area of providing custom interface controls to aid the user, Sommerer teaches a process of saving a history of web pages and providing an interface control that allows the user to customize and manage a history of interactions during a web browsing session (See Figures 4 and 5). The interfaces of Kimball and Sommerer are similar in that they track places of user interest after a user has browsed them, for example favorite locations.

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Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Kimball and Sommerer in front of them, to modify the system of Kimball to incorporate the history tracking control for the purposes of aiding the user in determining how they arrived at the location in which they chose to mark a website a favorite web page. The motivation to combine Kimball with Sommerer comes from the suggestion in Sommerer to provide to the user a mechanism to search previously archived search histories and to have a record of the users past events (See Para 0027) while interacting with the browser locations, which are objects.

With respect to **dependent claim 2**, Kimball teaches the method wherein the plurality of shortcuts (see Fig. 5B and Para. [0043]) comprises one of: a hyperlink, a button (see Para. [0036], lines 6 – 10 and Fig. 5B).

With respect to **dependent claim 3**, Kimball teaches the method wherein the object (see Fig. 11 and Para. [0066]) comprises one of a data file (see Fig. 11, 1120a – 1120d) and a set of related data within a data file. Kimball shows a favorites file is saved (See save/replace function).

With respect to **dependent claim 4**, Kimball teaches the method further comprising recording object operations that are performed by the user on the object to create the history of object operations (see Para. [0063] and Para. [0074]; database 154, memory 172 or mass storage device 170a is used to store frequently accessed or requested services by the user).

With respect to **dependent claim 6**, Kimball teaches the method further comprising managing the object using an application (see Para. [0023], lines 6 – 10; the reference content corresponding to objects within the "Favorites" 118g are managed by an application by means of a profile indicating the level of maturity of a user), wherein the displayed shortcut is further based on the application (see Para. [0023], lines 6 – 10; an application is used to evaluate the level of maturity of a user, wherein the application provides a toolbar with shortcuts to frequently accessed content).

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As to **dependent claims 7, 17 and 23**, as indicated in the above discussion, Kimball teaches each limitation of claims 1, 14, and 20.

Kimball does not expressly teach a method wherein the object has one of a plurality of object states and wherein the displayed shortcuts are further based on object state. However, this limitation would have been to one of ordinary skill in that art at the time of the invention, in view of Kimball, because Kimball teaches a process of managing links by checking with the user seeks to add, delete or modify a current link to see if they have the proper access rights. The present application specification states that "*each object 44A-E (FIG. 2) can have object states based on one or more object attributes. For example, status object attribute 50 (FIG. 2) can have unknown, active, or inactive states*". Therefore, a favorites object can have links within it that can have an active, inactive state. For example, a link in the list can be on the blocked list and the user tries to add the link to favorites. The user cannot modify, add or delete the link to the profile list because they don't have the rights. The link will be inactive because it is blocked by the system. On the other hand if the user does have rights the link can be added and the link will be displayed in the shortcuts and will be selectable.

With respect to **dependent claim 8**, Kimball teaches the method wherein the user has a user attribute and wherein the displayed shortcut are further based on a history of object operations selected by a set of users having the user attribute (see Para. [0013] and Para. [0081]; (see Para. [0043]) Kimball teaches a user attribute, such as maturity and access rights, determines the display of the user interface in terms of toolbar control, buttons, and shortcuts frequently accessed by a user, such as by an adult or child user in which a users shortcuts are determined by the group determination of frequently accessed locations.

With respect to **dependent claim 9**, Kimball teaches the method wherein the object has an object attribute (see Fig. 11; the object corresponds to contents 1120a – 1120d within "Favorite Places", wherein the content includes attributes, such as "About AOL" 1025a, "Member Exclusives", "Meeting People & Staying In Touch", and "AOL's Top Picks"), and wherein the displayed

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shortcut (see Fig. 5B and Para. [0043]; the shortcut corresponds to the "Favorites" menu 118g and "Shortcuts" menu 124g for displaying a list of choices to the user) is further based on a history of object operations selected for a set of objects (see Para. [0043]; the history of object operations corresponds to references to content frequently accessed by a user, such as by an adult or child user) having the object attribute (see Fig. 11; the reference content contains object attributes in order to be properly categorized within the folder hierarchy).

With respect to **dependent claims 10 and 13**, as indicated in the above discussion, Kimball in view of Sommerer teaches each element of claims 1 and 12.

Kimball teaches the shortcuts can be displayed on a toolbar or in a pull-down menu or in a favorites manager. Kimball does not teach the expressed words that a reserve section is used. Kimball does not expressly teach a method further comprising reserving a portion of the display area of the user interface for displaying shortcuts wherein the shortcuts are displayed in the reserved portion. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Sommerer, because Sommerer teaches the process of displaying the navigation bar in a specific section on the browser (See Figure 4 and 5 , navigation bar) where the thumbnails are displayed in the bar and the thumbnails are archived and reserved to be displayed for the user.

In regard to **Independent claim 11**, Kimball et al. teaches a method of customizing a user interface the method comprising:

- Identifying a user of the user interface (see Para. [0036]) Kimball teaches the graphical user interface (GUI) includes a control for identifying a user's grouping from a set of different groupings.
- Displaying an object within the user interface (see Fig. 5b) wherein the object has an attribute (See Figure 5b) Kimball shows displaying an object that has an attribute

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- Displaying a plurality of shortcuts for the object (see Fig. 5B and 10a Para. [0043])

Kimball teaches the user has a favorites object that contains a plurality of shortcuts.

Kimball does not expressly disclose:

- Recording object operations that are performed by the user on the object to manage the object in a history of object operations

Kimball does teach master user profile and the use of a specific user Id, which creates a mechanism for a specific user to control the customization of the interface (See Para 005 and Figure 6, Top). However, Kimball does not teach tracking the user history of managing the object. In the same problem solving area of providing custom interface controls to aid the user, Sommerer teaches a process of saving a history of web pages and providing an interface control that allows the user to customize and manage a history of interactions during a web browsing session (See Figures 4 and 5). The interfaces of Kimball and Sommerer are similar in that they track places of user interest after a user has browsed them, for example favorite locations. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Kimball and Sommerer in front of them, to modify the system of Kimball to incorporate the history tracking control for the purposes of aiding the user in determining how they arrived at the location in which they chose to mark a website a favorite web page. The motivation to combine Kimball with Sommerer comes from the suggestion in Sommerer to provide to the user a mechanism to search previously archived search histories and to have a record of the users past events (See Para 0027) while interacting with the browser locations, which are objects.

With respect to **dependent claim 12**, Kimball teaches the method further comprising managing the object using an application wherein the displayed shortcut are further based on the application (Kimball Para 0052) Kimball teaches the master user sets up the account through the use of an administration tool that allows the master user to configure the shortcuts displayed to the user.

In regard to **Claims 14-16**, claims 14-16 reflect the system comprising computer readable instructions for performing the steps of method claims 11-12, respectively, and are rejected along the same rationale.

With respect to **dependent claim 18**, Kimball teaches the method wherein the user has a user attribute and wherein the displayed shortcuts are further based on a history of object operations selected by a set of users having the user attribute (see Para. [0013] and Para. [0081](see Para. [0043]) Kimball teaches a user attribute, such as maturity and access rights, determines the display of the user interface in terms of toolbar control, buttons, and shortcuts frequently accessed by a user, such as by an adult or child user in which a users shortcuts are determined by the group determination of frequently accessed locations.

With respect to **dependent claim 19**, Kimball teaches the method wherein the object has an object attribute (see Fig. 11 the object corresponds to contents 1120a – 1120d within "Favorite Places", wherein the content includes attributes, such as "About AOL" 1025a, "Member Exclusives", "Meeting People & Staying In Touch", and "AOL's Top Picks"), and wherein the displayed shortcut (see Fig. 5B and Para. [0043]; the shortcut corresponds to the "Favorites" menu 118g and "Shortcuts" menu 124g for displaying a list of choices to the user) is further based on a history of object operations selected for a set of objects (see Para. [0043] the history of object operations corresponds to references to content frequently accessed by a user, such as by an adult or child user) having the object attribute (see Fig. 11; the reference content contains object attributes in order to be properly categorized within the folder hierarchy).

In regard to **Claims 20-22**, claims 20-22 reflect the program product comprising computer readable instructions for performing the steps of method claims 11-12, respectively, and are rejected along the same rationale.

With respect to **dependent claim 24**, claim 24 incorporates substantially similar subject matter as claimed in claim 18, and is respectfully rejected along the same rationale.

With respect to **dependent claim 25**, claim 25 incorporates substantially similar subject matter as claimed in claim 19, and is respectfully rejected along the same rationale.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kimball et al. (Publication No. 2004/0034646) in view of Sommerer et al. (hereinafter Sommerer) U.S. Patent Publication 20040003351 issued Jan. 1, 2004 and filed June 28, 2002. in further view of Roth et al. (6266060).

With respect to **dependent claim 5**, as indicated in the above discussion, Kimball in view of Sommerer teaches every limitation of claim 1.

Kimball in view of Sommerer does not expressly teach calculating a frequency that each object operation was selected by the user, and determining a particular object operation having the highest frequency.

However, Roth teaches a process of capturing recency of selection, frequency time of day and settings with regard to users accessing content and presenting an interface control (menu) with the highest frequency items at the top of the list (See column 9, lines 30-35 and column 10, lines 20-35 and column 11, lines 35-67). Roth, Sommerer and Kimball are analogous art because they all use a user profile to manage the interface presented to the user. They also allow the user to store information regarding their browsing session.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Kimball, Sommerer and Roth in front of them, to modify the system of Kimball to incorporate the history tracking control for the purposes of aiding the user in determining how they arrived at the location in which they chose to mark a website a favorite web

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page and to add the frequency calculation allowing the most frequently accessed object to be displayed to the user. The motivation to combine Kimball with Sommerer and Roth comes from the suggestion in Sommerer and Roth to provide to the user a mechanism to search previously archived search histories and to have a record of the users past events while interacting with the browser locations and also to provide a mechanism to display on the interface historical selections made by the user (See Roth column 1, lines 42-55 and column 2, lines 25-41).

Response to Arguments

Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection. Where the rejection is now based on the combination of two references and MPEP 2123 states that the references in their entirety are used for not only the cited sections but for all that would be relevant and suggested to one of ordinary skill in the art.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

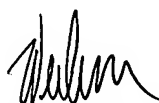
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can normally be reached on M, W, F 10:00AM - 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SBT



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SUPERVISORY PATENT EXAMINER